

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HIGHLINE CAPITAL MANAGEMENT, LLC,

Plaintiff,

- against -

HIGH LINE VENTURE PARTNERS, L.P., HIGH
LINE VENTURE PARTNERS II, L.P., HIGH LINE
VENTURE PARTNERS GP, LLC, HIGH LINE
VENTURE PARTNERS GP II, LLC, and SHANA
FISHER,

Defendants,

Civil Action No. 15-cv-660 (VEC)

DEFENDANTS' SUPPLEMENTAL NOTICE OF MOTION *IN LIMINE*

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure (a)(2)(D)(ii) and 37(c), and Federal Rules of Evidence 401, 402 403, and 702, as well as upon the accompanying memorandum of law (*Dkt.*82), Defendants, High Line Venture Partners, L.P., High Line Venture Partners II, L.P., High Line Venture Partners Gp, LLC, High Line Venture Partners Gp II, LLC, and Shana Fisher (collectively, "HLVP"), by and through their undersigned counsel, will move this Court before the Honorable Valerie E. Caproni, at the United States Courthouse in and for the Southern District of New York, 40 Foley Square, New York, New York, at such date and time as the Court shall set, for an Order: (i) excluding Plaintiff Highline Capital Management, LLC's rebuttal expert, Professor Ronald T. Wilcox, from testifying about the opinions expressed in paragraphs 10-12, 13-5, 17-9, 27-8, and 30-31, respectively, of his rebuttal report on the grounds that such opinions improperly go beyond the scope of HLVP's experts' reports, and are not relevant to the issues in this action, and (ii) any further relief this Court deems just equitable.

Dated: November 17, 2015
New York, New York

Respectfully submitted,

/s/ Jonathan W. Thomas
Jonathan D. Reichman
Jonathan W. Thomas
Kenyon & Kenyon LLP
One Broadway
New York, New York 10004
Tel.: (212) 425-7200
Fax: (212) 425-5288
Email: jreichman@kenyon.com
Email: jthomas@kenyon.com

Edward T. Colbert (*pro hac vice*)
Erik Kane (*pro hac vice*)
Kenyon & Kenyon LLP
1500 K Street, NW
Washington, DC 20005
Tel.: (202) 220-4200
Fax: (202) 220-4201
Email: ecolbert@kenyon.com
Email: ekane@kenyon.com

Attorneys for all Defendants

CERTIFICATE OF SERVICE

It is hereby certified that, on November 17, 2015, a true and correct copy of the foregoing document, entitled **Defendants' Notice of Motion in Limine**, was served via operation of the Court's ECF filing system, and that notice of such filing will be electronically transmitted to all parties indicated on the electronic filing receipt.

/s/ Jonathan W. Thomas
Jonathan W. Thomas